



California Public Utilities Commission
505 Van Ness Ave., San Francisco

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Media Contact: Terrie Prosper, 415.703.1366, news@cpuc.ca.gov

PRESS RELEASE

Docket #: I.16-06-010

**CPUC FINES BART \$1.3 MILLION FOR SAFETY FAILURES
RESULTING IN TWO FATALITIES**

SAN FRANCISCO, October 11, 2018 - The California Public Utilities Commission (CPUC) today fined the Bay Area Rapid Transit District (BART) \$1.3 million and placed BART on probation for three years for safety failures that led to the fatality of two workers in 2013. It is the largest fine that the CPUC has ever imposed on a public agency for safety violations. Half of the fine amount will be stayed if BART is in compliance with safety rules during the probationary period.

On October 19, 2013, a BART train struck and killed two workers who were working on tracks between the Walnut Creek and Pleasant Hill stations. Christopher Sheppard, a BART manager, and Laurence Daniels, a contractor for BART, lost their lives. At the time of the incident, the train was being operated by a trainee operator, who was also a BART manager. He was working under direct supervision of a train operator trainer, who was also a BART manager and who was in control of the train.

After a lengthy investigation, the CPUC determined that BART, through its management, violated multiple safety rules and requirements and that some or all of the violations likely contributed in some manner to the incident. These serious and egregious violations reflect BART's organizational and management culture and attitudes, and violate CPUC regulations, including repeated use of a cell phone by the trainer, failure of the trainer to directly supervise the trainee, failure to sound the train's horn prior to the incident, failure to comply with BART's safe clearances rule, and BART's failure to provide a timely and adequate investigative report resulting in a report that was 262 days late.



“These fatalities were totally preventable,” said Commissioner Liane M. Randolph, the author of the decision. “Our investigation found numerous and egregious safety violations by BART. We cannot undo the harm to Mr. Sheppard and Mr. Daniels or their families. What we can do is to make sure that BART makes safety its number one priority now and in the future. By ordering a fine and a probationary period, we intend to do just that.”

During the probationary period, BART is required to comply with several orders, including:

- Track and submit a report to the CPUC on all violations of safety rules, practices, policies, or procedures. BART must also provide details of corrective actions along with any disciplinary actions.
- Reevaluate its current safety training programs and culture and implement a plan that improves upon the effectiveness of its current safety training programs and safety culture.
- Develop and implement annual safety rules, practices, policies, procedures, and culture refresher courses for all its managers and senior employees. The refresher training must be for no less than 40 hours.
- Provide a management representative to appear before the CPUC to report on BART’s safety and to take questions.
- Post at least one sign at each of its stations that states that the CPUC has assessed a fine of \$1,348,000 and that the CPUC has stayed half that amount on the condition that BART complies with today’s decision and improves its safety rules.

The CPUC will monitor BART for its compliance with today’s decision. The probationary period can be extended if good cause is shown. Additional actions such as ending the stay of one-half of the assessed penalty, additional penalties, and additional notice on trains are all possible if the CPUC deems it necessary in the future.

Said CPUC President Michael Picker, “BART must improve its safety culture and ensure that every single one of its employees realizes the responsibility they have to serve the public safely. I intend to speak to the BART Board directly to reiterate the orders we made today.”



Added Commissioner Clifford Rechtschaffen, “The penalty and conditions imposed on BART are necessary to deter future accidents and ensure BART takes seriously the need to establish a safety culture to protect its workers and riders.”

The proposal voted on is available at:

<http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M231/K754/231754459.PDF>.

The CPUC regulates services and utilities, safeguards the environment, and assures Californians’ access to safe and reliable utility infrastructure and services. For more information on the CPUC, please visit www.cpuc.ca.gov.

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